Amendments to the Claims

Claim 1 **(Currently Amended)** An encrypted data signal ~~encrypting a~~ comprising an encrypted copy-controlled data signal, wherein the data signal contains superimposed ~~thereto~~ thereto, as a digital ~~watermark~~ watermark, identification data identifying the data signal as an encrypted signal.

Claim 2 **(Original)** An encrypted data signal as described in claim 1, wherein the data signal is either a "No more copy" signal or a "Never copy" signal.

Claim 3 **(Currently Amended)** An encrypted data signal as described in claim 1, wherein the digital watermark further contains type data indicating a type of data storage medium ~~recording~~ on which the encrypted data signal is recorded.

Claim 4 **(Currently Amended)** A data storage medium ~~recording~~ having an encrypted data signal as described in claim 1 recorded thereon.

Claim 5 **(Currently Amended)** A data storage medium as described in claim 4, further ~~recording~~ having an encrypted first key and an encrypted second key recorded thereon, wherein

the first key is used for encrypting the data signal having ~~a~~ the superimposed digital watermark, and

the second key is used for encrypting the first key.

Claim 6 **(Currently Amended)** A data signal playback apparatus comprising:

a reader for reading an encrypted data signal from a data storage medium as described in claim 4;

an encryption state detector for detecting that the encrypted data signal read by the reader is encrypted;

a decryption unit for decrypting the encrypted data signal and extracting the data signal with the superimposed digital watermark;

a digital watermark decoder for extracting the digital watermark from the data signal decrypted by the decryption unit, and identifying content of the identification data; and

a playback controller for comparing ~~the~~ a state detected by the encryption state detector and ~~the~~ a state indicated by the identification data detected by the digital watermark decoder, and prohibiting playback of the data signal if ~~said~~ the states do not match.

Claim 7 **(Original)** A data signal playback apparatus as described in claim 6, wherein the encryption state detector determines the encrypted data signal is encrypted when the decryption unit can extract a data signal.

Claim 8 **(Currently Amended)** A data signal playback apparatus as described in claim 6, wherein ~~the digital watermark further contains type data indicating a type of data storage medium recording the encrypted data signal;~~

the digital watermark further contains type data indicating a type of data storage medium on which the encrypted data signal is recorded,

the data signal playback apparatus further comprising a type detector for determining ~~the~~ a data storage medium type, and

the playback controller permits data signal playback when the data storage medium type declared by the type data matches the data storage medium type identified by the type detector.

Claim 9 **(Currently Amended)** A data signal playback apparatus as described in claim 6, wherein ~~the data storage medium further records an encrypted first key and an encrypted second key, the first key used for encrypting the data signal having a superimposed digital watermark, and the second key used for encrypting the first key, and~~

the data storage medium further has an encrypted first key and an encrypted second key recorded thereon, the first key used for encrypting the data signal having the superimposed digital watermark, and the second key used for encrypting the first key, and

the decryption unit has a third key used for encrypting the second key and specifically assigned to the data signal playback apparatus, the decryption unit being operable to:

decrypt ~~decrypts~~ the encrypted second key using the third key to obtain the second key,

decrypt ~~decrypts~~ the ~~encryption~~ encrypted first key using the second key to obtain the first key, and

decrypt ~~decrypts~~ the encrypted data signal using the obtained first key to extract the data signal with the superimposed digital watermark.

Claim 10 **(Currently Amended)** A data signal playback apparatus as described in claim 8, further ~~comprising~~ comprising: ~~a drive device containing the reader, encryption state detector, type detector, and a first authentication unit;~~

a drive device containing the reader, the encryption state detector, the type detector, and a first authentication unit;

a decoder containing the decryption unit, the digital watermark decoder, the playback controller, and a second authentication unit; and

an interface connecting the drive device and ~~decoder;~~ the decoder, wherein

the first authentication unit and the second authentication unit communicate through the interface, the first authentication unit verifies if the decoder is a compliant device, and the second authentication unit verifies if the drive device is a compliant ~~device;~~ device, and

the playback controller permits data signal playback when authentication by the first authentication unit and the second authentication unit is successful.

Claim 11 **(Currently Amended)** A data signal playback apparatus as described in claim 10, wherein ~~the data storage medium further records a first authentication key and a second authentication key used respectively by the first authentication unit and second authentication unit;~~

the data storage medium further has recorded thereon a first authentication key and a second authentication key used respectively by the first authentication unit and the second authentication unit,

the first authentication unit has a first device key assigned specifically to the drive device, and generates a first media authentication key based on the first authentication key, the first device

key, and the data storage medium type detected by the type ~~detector;~~ detector,

the second authentication unit has a second device key assigned specifically to the decoder, and generates a second media authentication key based on the second authentication key and the second device ~~key;~~ key, and

the first authentication unit and the second authentication unit compare the first media authentication key and the second media authentication key for authentication.

Claim 12 **(Original)** A data signal playback apparatus as described in claim 11, wherein the second authentication unit detects the data storage medium type using at least one of an authentication process and data signal transmission procedure that differs for each data storage medium type.

Claim 13 **(Currently Amended)** A data signal recording apparatus for recording a copy-controlled data signal to a data storage medium, the data signal recording apparatus comprising:

a digital watermark processor for superimposing to the data ~~signal~~ signal, as a digital ~~watermark~~ watermark, identification data identifying the data signal as an encrypted signal;

an encryption unit for generating an encrypted data signal by encrypting the data signal to which the digital watermark processor superimposed ~~a~~ the digital watermark; and

a writer for writing the encrypted data signal generated by the encryption unit to the data storage medium.

Claim 14 **(Currently Amended)** A data signal recording apparatus as described in claim 13, further comprising a type detector for detecting a data storage medium ~~type;~~ type,

wherein the digital watermark further contains type data detected by the type detector indicating a type of data storage medium ~~recording~~ on which the encrypted data signal is recorded.

Claim 15 **(Currently Amended)** A data signal recording apparatus as described in claim 14, further comprising: ~~comprising a digital watermark decoder for extracting the digital watermark superimposed to the data signal and detecting the content indicated by the identification data; and~~

a digital watermark decoder for extracting the digital watermark superimposed to the data

signal and detecting the content indicated by the identification data; and

a recording controller for permitting recording based on the identification data detected by the digital watermark decoder.

Claim 16 **(Currently Amended)** A data signal recording apparatus as described in claim 15, further ~~comprising~~ comprising: ~~a drive device containing the writer, type detector, and a first authentication unit;~~

a drive device containing the writer, the type detector, and a first authentication unit;

an encoder containing the encryption unit, the digital watermark processor, the digital watermark decoder, the recording controller, and a second authentication unit; and

an interface connecting the drive device and ~~encoder;~~ the encoder, wherein

~~wherein~~ the first authentication unit and the second authentication unit communicate through the interface, the first authentication unit verifies if the encoder is a compliant device, and the second authentication unit verifies if the drive device is a compliant ~~device;~~ device, and

the recording controller permits data signal recording when authentication by the first authentication unit and the second authentication unit is successful.

Claim 17 **(Currently Amended)** A data signal recording apparatus as described in claim 16, wherein ~~the data storage medium further records a first authentication key and a second authentication key used respectively by the first authentication unit and second authentication unit;~~

the data storage medium further has recorded thereon a first authentication key and a second authentication key used respectively by the first authentication unit and the second authentication unit,

the first authentication unit has a first device key assigned specifically to the drive device, and generates a first media authentication key based on the first authentication key, the first device key, and the data storage medium type detected by the type ~~detector;~~ detector,

the second authentication unit has a second device key assigned specifically to the encoder, and generates a second media authentication key based on the second authentication key and the second device ~~key;~~ key, and

the first authentication unit and the second authentication unit compare the first media authentication key and the second media authentication key for authentication.

Claim 18 **(Original)** A data signal recording apparatus as described in claim 17, wherein the second authentication unit detects the data storage medium type using at least one of an authentication process and data signal transmission procedure that differs for each data storage medium type.

Claim 19 **(Currently Amended)** A data signal recording apparatus as described in claim 13, wherein ~~the data storage medium further records a second key encrypted with a third key assigned specifically to the data signal recording apparatus;~~

the data storage medium further has recorded thereon a second key encrypted with a third key assigned specifically to the data signal recording apparatus,

the encryption unit obtains the first key based on any of random numbers internally generated by the encryption unit, the first key recorded to the data storage medium, and first key data superimposed to a radio wave, and encrypts the data signal with the superimposed digital watermark using the first key, encrypts the first key using the second key, and obtains the second key based on the third key and the encrypted second key recorded to the data storage medium

~~encrypts the first key using the second key; and~~

~~obtains the second key based on the third key and encrypted second key recorded to the data storage medium~~.

Claim 20 **(Original)** A data signal recording apparatus as described in claim 19, wherein the writer further writes the first key encrypted with the second key to the data storage medium.